

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 503 OF 2025

1. Somnath V.Chavan
2. Vinayak S. Patankar ...Applicants
V/s.
The State of Maharashtra ...Respondent.

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Mr. Jayant Bardeskar for the Applicant.
Mr. C.D. Mali, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 03.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.254 of 2024 registered at Supa Police Station, Pune rural for the offences punishable under Sections 123, 223, 271 and 275 of the Bharatiya Nyay Sanhita (BNS), 2023 and Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e) and Section 59 (iii) of the Food Safety and Standards Act, 2006.
3. On 5.10.2024, the present applicants were apprehended and were found in possession of prohibited tobacco products, i.e., Guthka, worth Rs.12,04,800/-
4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
5. The learned counsel for the applicants submits that except offence punishable under Section 123 of BNS, all other offences

are bailable. It is submitted that this Court has held that mere possession, transportation, storage or sale of Gutkha packets would not attract Section 328 of the IPC (Section 123 of BNS) and the said issue is now pending before the Hon'ble Supreme Court. It is submitted that the applicants are in jail for approximately 4 months. It is thus submitted that the applicants may be released on bail.

6. On the other hand, the learned APP for the respondent/State submits that considering the nature of offence, the applicants may not be released on bail.

7. The applicants are in jail for approximately 4 months. There are no other criminal antecedents against the applicants. In that view of the matter, I am inclined to release the applicants on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicants be released on bail in C.R. No. 254 of 2024 registered at Supa Police Station, Pune rural for the offences punishable under Sections 123, 223, 271 and 275 of the Bharatiya Nyay Sanhita (BNS), 2023 and Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e) and Section 59 (iii) of the Food Safety and Standards Act, 2006 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

[N.R.BORKAR, J.]